HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI

Writ Petition No. 30791 of 1998

Between:

M. Kondaiah

… Petitioner

And

Anantapur Cotton Mills,
Tadipatri

… Respondent

:: O R D E R ::

Counsel for the petitioner : Shri D. Arun Kumar

Counsel for the respondent : Shri P. Nageswara Sree

June 27, 2007

In this petition, the petitioner has prayed for issue of a mandamus to the respondent to regularise his service and to pay him salary in regular pay scale.

The petitioner was engaged as casual worker in the canteen of respondent – Anantapur Cotton Mills, Tadipatri, which is said to be a unit of National Textile Corporation. After two years, he was engaged as casual worker in the factory of the respondent. His grievance is that even though he has completed eleven years of service, the respondent

has not regularised his service and this is so despite the fact that persons who have been engaged after him have been made permanent.

I have heard learned counsel for the parties and perused the record. In my opinion, the writ petition is liable to be dismissed because the petitioner's claim for regularisation is not based either on any statutory scheme framed by the Government of India or on some policy decision taken by the management of the respondent. In the absence of such policy decision or statutory scheme, this Court cannot issue a mandamus to the respondent to regularise the petitioner's service. In this connection, reference can usefully be made to the judgments of the Supreme Court in **Secy., State of Karnataka v. Umadevi(3)**[1], **National Fertilisers Ltd. v. Somvir Singh**[2], **State of M.P. v. Yogesh Chandra Dubey**[3], **Punjab Water Supply & Sewerage Board v. Ranjodh Singh**[4], **State of M.P. v. Lalit Kumar Verma**[5] and **Indian Council of Medical Research v. K. Rajyalakshmi**[6].

For the reasons stated above, the writ petition is dismissed.

While dismissing the writ petition, I deem it proper to take cognizance of the statement made by the learned counsel for the respondent that during the pendency of the writ petition, the petitioner sought voluntary retirement with effect from 30.04.2005 and he has been extended the benefit of VRS scheme.

G.S. SINGHVI, CJ

27.06.2007
ksld

[1] (2006) 4 SCC 1

[2] (2006) 5 SCC 493

[3] (2006) 8 SCC 67

[4] (2007) 1 SCC 408

[5] (2007) 1 SCC 575

[6] (2007) 2 SCC 332